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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/887,499	06/22/2001	Luigi Schiuma	GB920000072U\$1	7715
7590	09/28/2004		EXAMINER	
A. Bruce Clay IBM Corp, IP Law Dept T81/503 3039 Cornwallis Road PO. Box 12195 Research Triangle Park, NC 27709-2195			COFFY, EMMANUEL	
			ART UNIT	PAPER NUMBER
			2157	
			DATE MAILED: 09/28/2004	

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>
	09/887,499	SCHIUMA, LUIGI
	<b>Examiner</b>	<b>Art Unit</b>
	Emmanuel Coffy	2157

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 22 June 2001.
- 2a) This action is **FINAL**.                            2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-11 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1-11 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 22 June 2001 is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All    b) Some \* c) None of:
  1. Certified copies of the priority documents have been received.
  2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413)
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	Paper No(s)/Mail Date. _____
3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)	5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)
Paper No(s)/Mail Date. _____	6) <input type="checkbox"/> Other: _____

## DETAILED ACTION

1. This action is responsive to the application filed on 22 June 2001. Claims 1-11 are pending. Claims 1-11 are directed to a method for a "Multi-Platform Application."

### Specification

2 The disclosure does not include a "Summary" Section as required. See MPEP § 608.01(d). Appropriate correction is required.

### *Claim Rejections - 35 USC § 112*

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Regarding claim 1, the phrase "pre-determined" renders the claim indefinite because the claim includes elements not actually disclosed (those encompassed by "pre-determined"), thereby rendering the scope of the claim unascertainable. See MPEP § 2173.05(d). This is applicable to all other claims where the word pre-determined is found. Furthermore, every claim which claims dependency on a claim rejected under this paragraph is rejected by virtue of said dependency.

### *Claim Rejections - 35 USC § 103*

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1, 3-4 are rejected under 35 U.S.C. §103(a) as being unpatentable over Kraslavsky (US 5,699,350) in view of Rune (US 6,304,913.)

Kraslavsky teaches the invention substantially as claimed including a network interface device which can communicate with other devices via a local area network (LAN) using various protocols and frame types, and which can be remotely reconfigured to use different protocols and frame types. (See abstract).

Claim 1:

Referring to claim 1, Kraslavsky teaches an application operable on a computer adapted to communicate using at least an IPX/SPX protocol, said application comprising: (See Fig. 9(a), 9(b), (9c), 9(d) (182)).

means for accessing a table for storing a plurality of IPX/SPX network segment addresses and the number of hops each segment is from the computer accessing said table; (See col. 14, lines 48-53.)

IPX/SPX Routing Information Protocol (RIP) request packet sending means adapted to transmit an RIP request packet across an IPX/SPX network; (See col. 13, lines 1-27; col. 14, lines 37-47).

IPX/SPX Routing Information Protocol (RIP) response packet receiving means adapted to receive RIP response packets from within a pre-determined number of network hops and to store the network segment addresses and the number of hops each segment is from the computer contained in said RIP response packets in said table; (See col. 11, lines 11-48).

IPX/SPX broadcast means responsive to an application request to transmit an application defined packet to network segments within a pre-determined number of hops stored in said table. (See col. 13, lines 51-57).

Kraslavsky teaches an application operable on a computer adapted to communicate using at least an IPX/SPX protocol. Kraslavsky fails to specifically teach receiving RIP response packets from within a specific number of network hops. However, Rune teaches this concept extensively. (See Fig. 4, 5, 7, 8, 9, 10 and col. 4, lines 37-43).

Hence, it would have been obvious at the time of the invention for an artisan of ordinary skill in the art to combine the communication system taught by Kraslavsky with the hop count system disclosed by Rune. Such a system would improve efficiency of the network. Therefore, claim 1 is rejected.

Claim 3:

Referring to claim 3, Kraslavsky substantially teaches the invention including an application according to claim 2 wherein said IPX/SPX Routing Information Protocol (RIP) request packet sending means is responsive to a domain name server (DNS) response indicating failure to locate a web server corresponding to a uniform resource locator (URL), to transmit said RIP request packet across an IPX/SPX network.

Kraslavsky teaches a communication system that uses various protocols and frame types (See above). Kraslavsky does not specifically teach a response from a DNS server indicating failure. However, Rune specifically discloses a DNS server failing to locate a host. (See col. 5, lines 27-38).

Hence, it would have been obvious at the time of the invention for an artisan of ordinary skill in the art to combine the communication system taught by Kraslavsky with

the DNS server disclosed by Rune. Such a system would provide efficacy to the network. Therefore, claim 3 is rejected.

Claim 4:

Referring to claim 4, Kraslavsky substantially teaches the invention including an application according to claim 2 wherein said IPX/SPX Routing Information Protocol (RIP) request packet sending means is adapted to periodically transmit said RIP request packet across an IPX/SPX network. (See col. 11, line 49 – col. 12, line 37).

Hence, it would have been obvious at the time of the invention for an artisan of ordinary skill in the art to use the communication system taught by Kraslavsky. Therefore, claim 4 is rejected.

Claim 6:

Referring to claim 6, Kraslavsky substantially teaches the invention including an application as claimed in claim 5 wherein said application is adapted to communicate using a TCP/IP protocol and further comprising: means, responsive to no reply being received for said name request, for transmitting a TCP/IP name request for a TCP/IP server providing said service.

Kraslavsky teaches means for causing an IPX/SPX broadcast and communication using TCP/IP protocol. (See col. 11, lines 11-26; col. 13, lines 1-6, 28-50). Kraslavsky does not specifically disclose response to a domain name server (DNS) response indicating failure to locate a web server corresponding to a uniform resource locator (URL). However, Rune specifically discloses a DNS server failing to locate a host. (See col. 5, lines 27-38).

Hence, it would have been obvious at the time of the invention for an artisan of ordinary skill in the art to combine the communication system taught by Kraslavsky with the DNS server disclosed by Rune. Such a system would provide efficacy to the network. Therefore, claim 6 is rejected.

4. Claims 2, 5:

Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kraslavsky (US 5,699,350) in view of Rune (US 6,304,913), and further in view of Ogus (U.S. 6,587,875).

Claim 5:

Referring to claim 5, Kraslavsky teaches the invention substantially as claimed including an application according to claim 1 comprising: means for causing said IPX/SPX broadcast means to transmit a name request for an IPX/SPX server providing a service; and means, responsive to receipt of a response to said name request containing an IPX/SPX address of an IPX/SPX server, for relaying said address to said application enabling connection oriented peer-to-peer communication between said application and said IPX/SPX server. (See col. 13, line 1-7; col. 11, lines 11-48).

Kraslavsky teaches means for causing an IPX/SPX broadcast. Kraslavsky does not specifically teach transmission of a name request for an IPX/SPX server providing a service and peer-to-peer communication. However, Rune teaches a method and Internet system that responds to a DNS host request. (See col. 4, lines 28-37; col. 5, lines 27-38). Hence, it would have been obvious at the time of the invention for an artisan of ordinary skill in the art to combine the communication system taught by

Kraslavsky with the DNS server disclosed by Rune. Such a system would provide efficacy to the network.

5. Claim 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kraslavsky (US 5,699,350) in view of Rune (US 6,304,913) in further view of Ogus (U.S. 6,587,875) and further in view of Spence et al. (US 6,185,600).

Claim 2:

Referring to claim 2, Kraslavsky substantially teaches the invention including an application according to claim 1 wherein said application is a multi-platform Internet browser adapted to communicate using a TCP/IP protocol and further comprising:

means, responsive to a domain name server (DNS) response indicating failure to locate a web server corresponding to a uniform resource locator (URL), for causing said IPX/SPX broadcast means to transmit a name request for an IPX/SPX server providing a service corresponding to said URL; and

means, responsive to receipt of a response to said name request containing an IPX/SPX address of an IPX/SPX server, for relaying said address to said application enabling peer-to-peer communication between said application and said IPX/SPX server.

Kraslavsky teaches means for causing an IPX/SPX broadcast and communication using TCP/IP protocol. (See col. 11, lines 11-26; col. 13, lines 1-6, 28-50). Kraslavsky does not specifically disclose response to a domain name server (DNS) response indicating failure to locate a web server corresponding to a uniform resource

locator (URL). However, Rune specifically discloses a DNS server failing to locate a host. (See col. 5, lines 27-38).

Hence, it would have been obvious at the time of the invention for an artisan of ordinary skill in the art to combine the communication system taught by Kraslavsky with the DNS server disclosed by Rune. Such a system would provide efficacy to the network.

Neither Kraslavsky nor Rune discloses peer-to-peer communication. However, Ogus teaches peer-to-peer communication at col. 3, line 66 – col.4, line 6). Hence, it would have been obvious at the time of the invention for an artisan of ordinary skill in the art to combine the communication system taught by Kraslavsky and the DNS server disclosed by Rune with the peer-to-peer communication disclosed by Ogus . Such a system would provide flexibility to the network.

Neither Kraslavsky and Rune nor Ogus discloses multi-platform Internet browser adapted to communicate using a TCP/IP protocol. However, Spence teaches a universal event browser by providing a single front-end universal user interface generator, which communicates with the user via the client's local internet browser. (See col. 2, lines 7-12). Such a system enables a heterogeneous system to view different vendors products. Therefore, claim 2 is rejected.

Claims 7-11:

These claims do not teach or define any significantly new limitation above and beyond claims 1-6 to warrant particular treatment, and therefore are rejected for similar reasons.

### Conclusion

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

- Arnold et al. (U.S. 6,167,449) teaches "System and Method for Identifying and Locating Services on Multiple Heterogeneous Using A Query By Type."

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Emmanuel Coffy whose telephone number is (703) 305-0325. The examiner can normally be reached on 8:30 - 5:00 P.M.

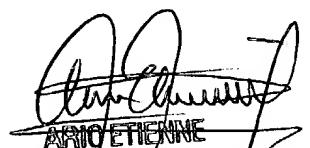
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ario Etienne can be reached on (703) 308-7562. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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EC  
Sept 14, 2004



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